

Plans Panel (East)

Thursday, 14th April, 2011

PRESENT: Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,
P Gruen, G Latty, M Lyons, K Parker,
J Procter, A Taylor and D Wilson

168 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

169 Late Items

Although there were no formal late items, Panel Members were in receipt of the following information to be considered at the meeting:

Application 10/04378/FU – Land off Station Lane Thorner LS14 – written representations, photographs and a copy of the Thorner Village Design Statement (minute 175 refers)

170 Declarations of Interest

Councillor John Procter declared a personal interest in application 10/05446/FU – The Coach House Bramham, through knowing the applicant (minute 178 refers)

171 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 17th March 2011 be approved

172 'Planning for Growth' - National advice

Members considered a report of the Chief Planning Officer setting out information sent to all Local Planning Authorities (LPAs) in England by the Chief Planner (Communities and Local Government) in respect of the national objectives in 'Planning for Growth'. Appended to the report was a statement by the Minister for Decentralisation and further information on planning obligations

The Panel's Lead Officer presented the report and informed Members that the Government were placing great importance on delivering sustainable growth and that LPAs were being asked to place significant weight on the need to secure economic growth when considering planning applications. However, whilst the delivery of sustainable economic growth should be looked at favourably, there was no requirement to set aside other planning policies and guidance which existed

In future, Officers' reports to panel would include the degree of weight which should be given to economic factors. Members were informed that in cases where the principle of development was accepted but there were issues around design, highways, etc, greater weight might be placed on economic growth factors and this may lead to a recommendation of approval of an application

Members commented on the following matters:

- how the proposals matched with the Localism Bill and greater involvement in planning decisions by Town and Parish Councils
- whether these proposals were likely to be legally challenged
- the need for greater clarification on the status of the advice, ie is it a material planning consideration or something to have regard to
- concern about how the proposals will affect future planning policy and that it could lead to greater demand for development of greenfield sites which could not be considered as being sustainable
- the impact of the proposals on housing development
- that the Localism Bill would give greater power to local communities as where there was significant objection to a planning application, due consideration should be to reject the application

The Panel's Lead Officer stated that definitive answers could not be given to all of the points raised as whilst some of the context of the Localism Bill was known, the Bill had yet to be finalised. No changes had been indicated to suggest that local opinion by itself could be a determinative factor

It was not known if a legal challenge would be mounted to the Ministerial Statement, but local planning authorities have been asked to have regard to it and it was to be a material planning consideration with weight being given to it when considering an application

Regarding the implications of the proposals on housing development, it was agreed that this be considered in a different forum

RESOLVED - To note the report and attached papers and to have regard to them in making planning decisions

173 Applications 09/0218/FU and 09/04531/FU - Land at Church Fields High Street Boston Spa LS23 - Appeal decision

Further to minute 160 of the Plans Panel East meeting held on 17th March 2011, where Panel received a verbal update on recent appeal decisions for two major housing developments at Church Fields High Street, Boston Spa LS23, Members considered a report of the Chief Planning Officer setting out the Inspector's findings and the implications for the LPA

Officers presented the report and outlined the main issues identified by the Inspector which related to housing land supply; impact upon regeneration and harm to the character and appearance of the Conservation Area

The Inspector's decision had been greatly disappointing, especially as the Inspector seemed to place more weight on national as opposed to local guidance in reaching his decision

The application was accompanied by a Section 106 Agreement which would provide 30% affordable housing together with education and transport contributions; the appeals, which were dealt with by public inquiry, were allowed with a partial award of costs against the Council

Members commented on the following matters:

- the Inspector's view that the RSS figure for housing supply land for Leeds – this being 4300 dwellings per annum - provided a credible level to aim for when there had been much opposition and debate on this figure
- that little regard to the character of Boston Spa had been given in terms of the design of the proposals
- whether the appeal decisions would create a precedent for other residential proposals. Officers stated that if a further phase 2 or 3 site came forward for development, the appeal decisions could make it difficult to resist any allocated sites. Members were informed that further work would be required in the policy section to ensure the housing figures were up to date

Councillor John Procter referred to a Freedom of Information request which he had submitted requesting information from the Planning Inspectorate on recent appeal decisions on greenfield sites in Leeds, which he offered to share with Members once his request had been responded to

RESOLVED - To note the appeal decision

174 Application 10/00337/FU - Ryder Cottage Main Street East Keswick LS17 - Appeal decision

Further to minute 75 of the Plans Panel East meeting held on 28th October 2010 where Panel agreed with the Officer's recommendation to refuse an application for the erection of a 2 storey rear extension at Ryder Cottage Main Street East Keswick, Members received a report setting out the Inspector's decision on the appeal lodged by the applicant

It was the decision of the Inspector to dismiss the appeal in a letter dated 23rd March 2011

RESOLVED – To note the appeal decision

175 Application 10/04378/FU/MIN - Detached 15m high wind turbine - Land off Station Lane Thorner LS14

Plans, drawings and photographs were displayed at the meeting

A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a detached 15m high wind turbine on land off Station Lane Thorner LS14, which was situated in the Green Belt and a Special Landscape Area

Revisions to the siting of the wind turbine had been made as Natural England and Environmental Health had objected to the initial site which had been proposed

The main issues were outlined as set out in the submitted report and Panel was informed that Environmental Health Officers; the Landscape Officer and the Council's Nature Conservation Officer had not raised any objections to the revised proposals

Officers provided the following updates, for Members' consideration:

- six additional objections had been received giving a total of 22 objections to the proposals
- four letters of support had been received

- Councillor Castle had requested the application be deferred as Officers had visited the site after the report had been prepared, leading to the view that further assessments were being made and these should be considered. Members were informed that this was incorrect and that Officers had visited the site recently to produce some photo montages to assist the Panel's deliberations

The Panel heard representations from the applicant's agent and an objector who attended the meeting

Members commented on the following matters:

- whether the wind turbine could be re-sited without any drop in voltage
- the lack of a policy on wind turbines, particularly in view of the increasing number of applications being submitted
- that notice had been taken of objections raised by Natural England and Environmental Health but not local residents
- that many applications which were sited in the Green Belt were recommended for refusal, yet applications for wind turbines in the Green Belt seemed to be considered as being acceptable
- that determination of wind turbine applications should have regard to the impact of the industrial process on the workforce engaged in the production of magnets and that consideration of the application should be deferred

Members considered how to proceed

Following a even number of votes for and against the Officer's recommendation to approve the application, the Chair used his casting vote

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

176 Application 11/00737/FU - One detached house with garage to garden and detached garage to existing house - 29 Carrholm View Chapel Allerton LS7

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to an application for a residential dwelling and garages to an area of land adjacent to 29 Carrholm View LS7.

Members were advised that the area of the site was smaller than that shown on the plan displayed at the meeting

Two previous applications had been refused on the grounds of back land development and harm to the character of the area. Members were advised of the revisions to PPS3 which were relevant in this case

By way of clarification, Members were informed that the comments contained in the report should not be attributed to Councillor Lancaster directly, rather they were a report of comments made to her by the applicant

Officers were of the view that the proposal would be harmful to the character of the area and recommended the application be refused

The Panel heard representations on behalf of the applicant's agent who attended the meeting

RESOLVED - That the application be refused for the following reason:

The proposed development, by virtue of its siting and layout within the site and in relation to neighbouring properties and the amount of hardstanding proposed, would fail to reflect the pattern of surrounding development and would appear as an incongruous development within the streetscene, to the significant detriment of the character and appearance of the area, contrary to policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Plan (Review) 2006 and the guidance in SPG13: Neighbourhoods for Living, PPS 1 and PPS3

177 Application 10/05599/FU -Laying out of hard standing and widening of access at St Vincent's School 27 Church Street Boston Spa LS23

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the laying out of a hard standing and widening of access at St Vincent's School, Church Street Boston Spa LS23, which was situated in the Boston Spa Conservation Area

Members were informed that the proposals were for the formation of a parking area for seven mini-buses which were used to transport pupils to the school which catered for 77 pupils from primary to secondary age, primarily from the north-west Leeds and Harrogate areas

The school day was from 8.00am – 2.30pm therefore there would not be an increase in traffic during the peak-time hours: the mini-buses were driven by parents/grandparents of the pupils

In terms of impact of the proposals this was minimal and there had been no objections from local residents

Officers updated the report and informed Panel of the following matters:

- only 1 brick pillar had been removed, not 2 as stated in the report
- that the access had been widened by 1.3m, not 3.5m as previously indicated
- that the report should contain a reference to PPS5 – Planning for the Historic Environment

The Chair welcomed students from the school who were attending the meeting

Members commented on the following matters:

- the travel arrangements and whether the transport plan operated by Children's Services could be used. Members were informed that the school was privately run so was outside the remit of Children's Services
- the surfacing of the hardstanding area and whether small setts could be considered. Members were informed that porous gravel was proposed
- that infill planting to the rear of the parking area should be enhanced to fill up the gaps which currently exist, if the hedge is within the ownership of the school

RESOLVED – That the application be granted subject to the conditions set out within the submitted report, subject to the deletion of condition 4 and an additional condition requiring landscaping to the boundary to fill gaps in the hedge

178 Application 10/05446/FU - Change of use of former coach house to form 3 bedroom house with single storey side extension and detached garage - The Coach House Old Vicarage House Vicarage Lane Bramham LS23

Plans and photographs were displayed at the meeting

Officers presented the report which sought a change of use and extensions to form a single dwelling house on Vicarage Lane Bramham LS23, which was situated in the Bramham Conservation Area

The planning history of the site was outlined and Members informed that two previous schemes had been refused on highway grounds. Whilst there remained an objection from highways to the current proposal, this had been considered and Officers were of the view that the benefits which would arise from securing the long term beneficial use of this building served to outweigh these objections, with the application being recommended for approval

RESOLVED - That the application be approved subject to the conditions set out in the submitted report and the following additional conditions:

- development to be carried out in accordance with approved plans
- no use of courtyard area for parking and vehicular access
- no development to commence before a scheme of highway improvement works for Vicarage Lane and Back Lane have been submitted to and agreed in writing by the LPA. Once agreed, the highway works shall be implemented prior to first occupation of the dwelling

179 Application 10/05358/FU - Detached summerhouse to residential care house - Carlton House 24 Wakefield Road Rothwell LS26

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought retrospective planning permission for a detached summerhouse within the grounds of Carlton House which was a residential care home on Wakefield Road Rothwell

Members were informed that due to the objections raised by local residents a 12 month temporary permission was being sought to enable the Ward Members to be consulted further about any future application to retain the summerhouse

The Panel considered how to proceed and was of the view that a temporary planning consent was inappropriate in this case

RESOLVED - That a permanent permission be granted with a condition restricting the hours of use of the summerhouse to between 09.00 – 21.00 hours

180 Date and time of next meeting

Thursday 19th May 2011 at 1.30pm in the Civic Hall, Leeds